

WYNNE
BIRDWELL
JOHNSON/ABSENT AND EXCUSED FOR ITEM 6, 7, 8

CONTESTED AGENDA

Wednesday, February 13, 1991

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 1. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR AN ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF APPLIED COATING SERVICES, INC., SWR NO. 39463. (Montelongo)

CONT. TO 5/15/91 AT 9:00 A.M.

Item 2. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF CELANESE ENGINEERING RESINS, INC., PERMIT NO. 00579. (Culbertson)

CONT. TO 3/13/91 AT 9:00 A.M.

Item 3. CONSIDERATION OF EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF THE CITY OF FRISCO, PERMIT NOS. 10172-01 AND 10172-02. (Corrigan)

APPROVED AS PROPOSED, JB/CJ

Item 4. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION CONCERNING THE PETITION OF THE CITY OF HIGHLAND VILLAGE APPEALING THE INCREASE BY THE CITY OF LEWISVILLE IN WHOLESALE SEWER RATES IN DENTON, COUNTY, TEXAS; DOCKET NO. 8338-A. Applicant provides wholesale sewer service to approximately 1 customer. Recommendation: Approval of rate increase. (Parker)

APPROVED, JB/CJ

Item 5. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF SPRING FINANCIAL, INC. DBA BRAZORIA UTILITIES FOR A CERTIFICATE OF CONVENIENCE AND NECESSITY AND A TRANSFER OF CERTIFICATE OF CONVENIENCE AND NECESSITY NO. 12174 to provide water and sewer service in Brazoria County, Texas; Docket No. 8228-S, 8112-C, and 8086-C. Recommendation: Dismissal for want of prosecution. (Parker)

APPROVED DISMISSAL, CJ/JB

Item 6. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF THE CITY OF STAMFORD, PERMIT NO. 10472-002. (Corrigan)

APPROVED AGREED ORDER, JB/BJW

Item 7. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN

ACTIONS OF WILLIAM K. BATES, D/B/A SPRING CREEK TRAILS WATER SYSTEM, DOCKET NO. 8239-E. (Smith, D.)

CONT. TO 3/13/91 AT 9:00 A.M.

- Item 8. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF JOHN W. TRAYLOR D.B.A SOUTH SEMINARY ADDITION WATER SYSTEM, DOCKET NO. 7995-E. (Smith, D)

APPROVED, JB/BJW

- Item 9. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION CONCERNING THE APPLICATION OF JOHN D. VIEMAN, ET AL. for a Water Use Permit No. 5256 in Brazoria County, Texas, to divert and construct a reservoir to construct off-channel reservoirs and divert 1,253 acre-feet per annum to maintain reservoir levels, irrigation, industrial fish farming, and recreation from the Austin Bayou in San Jacinto-Brazos Coastal River Basin, for irrigation and industrial purposes. Recommendation: Issuance of authorization. (Sahs)

CONT. TO 2/20/91, AT 9:00 A.M.

- Item 10. THE COMMISSION WILL MEET IN EXECUTIVE SESSION TO DISCUSS PENDING OR CONTEMPLATED LITIGATION, SETTLEMENT OFFERS, AND/OR THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE OR DISMISSAL OF SPECIFIC COMMISSION EMPLOYEES, as permitted by TEX. REV. CIV. STAT. ANN. art. 6252-17 sections 2(e) and 2(g). No final action, decision or vote with regard to any matter considered in closed session shall be made in the absence of further notice issued in accordance with art. 6252-17.

NO ACTION TAKEN

CONTESTED OLD BUSINESS

Wednesday, February 13, 1991

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item carried forward from Agenda of November 28, 1990.

- Item 1. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF DAL-TILE CORPORATION, SWR NO. 38369. (Dickman)

CONT. TO 3/13/91, AT 9:00 A.M.

Item carried forward from Agenda of March 21, 1990 and April 4, May 2, June 6, July 11, August 15, September 12, October 17, November 28th and January 9, 1990.

- Item 2. CONSIDERATION OF ALTERNATIVE ACTIONS WHICH THE COMMISSION COULD TAKE CONCERNING LAKE GRAPEVINE. WHEN THE COMMISSION DISMISSED THE COMPLAINT FILED BY PARK CITIES MUNICIPAL UTILITY DISTRICT AGAINST THE CITIES OF DALLAS AND GRAPEVINE ON OCTOBER 26, 1989, THE COMMISSION DIRECTED THE EXECUTIVE DIRECTOR TO PREPARE A LIST OF ALTERNATIVES THE COMMISSION COULD TAKE TO ADDRESS PROBLEMS WHICH WILL ARISE DURING A TIME OF DROUGHT IN THIS OVER APPROPRIATED RESERVOIR. (Smith, R.)

REMANDED TO EXECUTIVE DIRECTOR FOR FURTHER PROCESSING, CJ/JEB

Item carried forward from Agenda of January 23rd and February 6, 1991.

- Item 3. CONSIDERATION OF THE NOTICE AND COMPLAINT OF THE EXECUTIVE DIRECTOR AGAINST VALLEY MUNICIPAL UTILITY DISTRICT NO. 2 ALLEGING VIOLATIONS OF CHAPTER 11 OF THE TEXAS WATER CODE AND RULES OF THE TEXAS WATER COMMISSION AND REQUIRING CERTAIN ACTIONS, CERTIFICATE OF ADJUDICATION NO. 23-0072-002. (Jordan)

APPROVED AGREED ORDER, JB/CJ

WYNNE
JOHNSON
BIRDWELL/ABSENT

UNCONTESTED AGENDA

Wednesday, February 13, 1991

TEXAS WATER COMMISSION

3:00 p.m.
Room 118

Item 1. APPLICATION BY SAFETY-KLEEN CORPORATION for a permit (Proposed Permit No. HW-50218) to authorize the continued operation of an existing commercial Class I hazardous industrial solid waste storage and processing facility. The facility is located on the west side of Suzanne Drive, 500 feet south of Grauwlyer Road, and 1000 feet east of Loop 12 in Dallas County, Texas.

CONT. INDEFINITELY

Item 2. APPLICATION BY TECHNICAL ENVIRONMENTAL SYSTEMS, INC. for an amendment to Permit No. HW-50225 to authorize the addition of a hazardous waste fuels blending process and tank storage facility to the existing commercial Class I hazardous and non-hazardous and Class II non-hazardous industrial solid waste storage facility for wastes received from off-site generators and wastes generated on site. The facility is on a 12.5 acre tract of land at 500 Battleground Road in the City of La Porte, Harris County, Texas.

CONT. INDEFINITELY

Item 3. APPLICATION BY LIQUID AIR CORPORATION, BULK GASES DIVISION for a permit (Proposed Permit No. 03167) to authorize a discharge of cooling tower blowdown and other utility wastewaters at a volume not to exceed an average flow of 20,000 gallons per day. The company operates a facility which processes raw hydrogen to remove impurities and then packages it into specially designed trailers and cylinders. The plant site is at 2300 Tidal Road in the City of Deer Park, Harris County, Texas.

APPROVED, CJ/BJW

Item 4. APPLICATION BY THOMAS MEAR for a permit (Proposed Permit No. 03290) to authorize disposal of waste and wastewater from a dairy which consists of a maximum of 650 head in confinement. The dairy is on the south side of State Highway 220, approximately one half mile southwest of the intersection of State Highway 220 and U.S. Highway 67 in Erath County, Texas.

REMANDED TO EXECUTIVE DIRECTOR, CJ/BJW

Item 5. APPLICATION BY THE RANCH ASSOCIATES for a permit (Proposed Permit No. 13529-01) to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 25,000 gallons per day. The proposed wastewater treatment facilities will serve a mobile home park and transient trailer park. The plant site is to be

approximately 2 miles west of the City of Roanoke, south of State Highway 114 and north of Elizabeth Creek in Denton County, Texas.

APPROVED, CJ/BJW

Item 6. APPLICATION BY FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 37 for a minor amendment to Permit No. 12370-01 in order to decrease the flow in the final phase. The wastewater treatment facilities are approximately 2700 feet southeast of Crossover Road and approximately 1600 feet southwest of Green-Busch Road in Fort Bend County, Texas.

APPROVED, CJ/BJW

Item 7. APPLICATION BY DICK BARRETT PRODUCE, INC. DBA BARRETT-FISHER CO. for an amendment to Permit No. 01234 in order to change from a discharge permit to a permit authorizing disposal by evaporation at the Hereford plant which is a vegetable washing and packing plant. The plant site is adjacent to the eastern extension of New York Avenue and south of the Panhandle & Santa Fe Railroad right-of-way in the southeast portion of the City of Hereford, Deaf Smith County, Texas.

APPROVED, CJ/BJW

Item 8. APPLICATION BY FT. BEND PROPERTIES, INC. for an amendment to Permit No. 12812-01 in order to change the existing discharge route and to add an internal outfall to monitor groundwater seepage from the Southwestern Bell Telephone Switching Building. The plant site is at 1518 Spring Cypress Road, approximately 550 feet northwest of the intersection of Farm-to-Market 2920 and Bell Road, and approximately 700 feet west of the intersection of Interstate Highway 45 and Farm-to-Market 2920 in Harris County, Texas.

APPROVED, CJ/BJW

Item 9. APPLICATION BY ENTERPRISE TRANSPORTATION COMPANY for renewal of Permit No. 01912 which authorizes a discharge of stormwater runoff at a volume variable with rainfall from a tank truck terminal. The plant site is at 6355 Walden Road in the City of Beaumont, Jefferson County, Texas.

APPROVED, CJ/BJW

Item 10. APPLICATION BY FORDYCE COMPANY for renewal of Permit No. 02223 which authorizes a discharge of groundwater and stormwater from a mine site at a volume not to exceed an average flow of 48,000 gallons per day from the Briggs Plant, a sand and gravel mining and washing facility. The plant site is approximately two miles west of State Highway 185 and 1500 feet north of the head of the Victoria Barge Canal, 11 miles south of the City of Victoria, Victoria County, Texas.

APPROVED, CJ/BJW

Item 11. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 23 for renewal of Permit No. 11485-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 750,000 gallons per day from the wastewater treatment facilities which are approximately 1.3 miles northeast of the intersection of U.S. Highway 290 and Fairbanks-North Houston Road at 7214 Woodland West Drive,

on the north bank of White Oak Bayou in Harris County, Texas.

APPROVED, CJ/BJW

Item 12. APPLICATION BY HOWELL HYDROCARBONS INC. for renewal of Permit No. 02921 which authorizes flow variable discharges of stormwater via Outfall 001 and treated groundwater via Outfall 002 from its petroleum refinery. The plant site is at 7811 South Presa in the City of San Antonio, Bexar County, Texas.

APPROVED, CJ/BJW

Item 13. APPLICATION BY CITY OF PORT ARTHUR for renewal of Permit No. 10364-06 which authorizes a discharge of backwash water effluent at a volume not to exceed an average flow of 220,000 gallons per day from the water treatment facilities which are at 1401 19th Street, in the City of Port Arthur, Jefferson County, Texas.

APPROVED, CJ/BJW

Item 14. APPLICATION BY JOHN WASILCHAK for renewal of Permit No. 12902-01 which authorizes a discharge of treated domestic wastewater effluent in phases with the final volume not to exceed an average flow of 170,000 gallons per day from the Highland Village Addition Wastewater Treatment Facilities. The plant site is approximately 3,000 feet north-northwest of the intersection of Farm-to-Market Road 1187 and Stephenson-Levy Road, approximately 2 miles northeast of Oak Grove Airport in Tarrant County, Texas.

APPROVED, CJ/BJW

Item 15. APPLICATION BY JOHN WASILCHAK for renewal of Permit No. 12903-01 which authorizes a discharge of treated domestic wastewater effluent in phases with a final volume not to exceed an average flow of 275,000 gallons per day from Oakdale Village wastewater treatment facilities. The plant site is approximately 2,000 feet southwest of the intersection of Bank Road and Shelby Road, approximately 4,500 feet north of the intersection of Bank Road and Rendon Road in Tarrant County, Texas.

APPROVED, CJ/BJW

Item 16. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 236 FOR APPROVAL OF THE USE OF SURPLUS FUNDS; \$4,310,000 BOND ISSUE APPROVED OCTOBER 20, 1988. For Commission consideration and action. The District is requesting the use of \$110,000 in surplus funds to finance additional drainage facilities in Kings Point Village, Section 1 and Sand Creek Village, Section 3, the District's pro rata share of a Supervisory Control and Data Acquisition System, a pro rata share of the Wastewater Treatment Plant Access Road, engineering, and associated developer interest.

APPROVED, CJ/BJW

Item 17. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATIONS OF THE CITY OF ARANSAS PASS AND THE CITY OF INGLESIDE FOR AN AMENDMENT TO CERTIFICATES OF CONVENIENCE AND NECESSITY NOS. 11181, 20456 AND 20202 to provide water and sewer service for Aransas Pass and sewer service for Ingleside in San Patricio, Aransas and Nueces Counties; Dockets Nos.

8438-C, 8447-C & 8448-C. Recommendation: Adoption of agreement of parties. (Zukauckas)

APPROVED, CJ/BJW

Item 18. APPLICATION OF THOMAS W. BRAKE DBA BRAKE WATER SYSTEM AND LEE RIDGE WATER SYSTEM for a Water Certificate of Convenience and Necessity in Brazoria County (Application No. 8751-C)

APPROVED, CJ/BJW

Item 19. APPLICATION OF GRANTWOOD CIVIC CLUB DBA GRANTWOOD WATER SYSTEM for a Water Certificate of Convenience and Necessity in Harris County. (Application No. 8782-C, Holck)

APPROVED, CJ/BJW

Item 20. APPLICATION OF KNOB HILL WATER SUPPLY CORPORATION TO ACQUIRE FACILITIES FROM MRS. H. J. HARRIS DBA BLOODWORTH WATER SYSTEM and Obtain a Water Certificate of Convenience and Necessity in Tarrant County. (Application No. 8721-C, Carlson)

APPROVED, CJ/BJW

Item 21. APPLICATION OF LAKE FORK WATER SUPPLY CORPORATION to Transfer Water Certificate of Convenience and Necessity No. 11575 in Hopkins and Wood Counties. (Application No. 8764-T, Carlson)

APPROVED, CJ/BJW

Item 22. APPLICATION OF PHELPS OF WATER SUPPLY CORPORATION for an Amendment to Water Certificate of Convenience and Necessity No. 10129 in Walker County. (Application No. 8616-C, Holck)

APPROVED, CJ/BJW

Item 23. APPLICATION NO. 12-4118A BY ZANNA H. ANDERSON TO AMEND CERT. OF ADJ. 12-4118. FOR COMMISSION ACTION. Applicant seeks to amend Cert. 12-4118 by specifying a diversion point on Cottonwood Creek, Brazos Basin, to satisfy Special Condition 4. of the certificate. The diversion area is located approximately 1-mile southeast of the county courthouse in Roby, Fisher County, Texas. (JORDAN/jme)

APPROVED, CJ/BJW

Item 24. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE MOTION OF EXECUTIVE DIRECTOR FOR HOLDER OF PERMIT NO. 3841, FAIRWAY ESTATES TO SHOW CAUSE WHY WATER USE PERMIT NO. 3841 SHOULD NOT BE REVOKED AND WHY THE DAM MAINTAINED PURSUANT TO THE PERMIT SHOULD NOT BE BREACHED, TRAVIS COUNTY, TEXAS. Recommendation: Issue Agreed Order. (Sahs)

APPROVED, ISSUE AGREED ORDER, CJ/BJW

Item 25. APPLICATION NO 12-2208A BY B. R. FANNING TO AMEND CERTIFICATE NO. 12-2208. FOR COMMISSION ACTION. Applicant seeks to reduce the total annual appropriation by 25 acre-feet, leaving 60 acre-feet of water to irrigate 85 acres of land and do away with an expiration date of December 31, 1990 for the certificate. Also authorized under the certificate is a 121 acre-feet capacity reservoir on an unnamed trib. N Frk of the N Bosque River, Brazos River Basin in Bosque County and the use of bed and banks of the trib. and the N FRK Bosque River.

(JORDAN/lb)

APPROVED, CJ/BJW

Item 26. APPLICATION NO 5341 BY ADRION L. FIVEASH FOR A WATER USE PERMIT. For Commission Action. Applicant seeks authorization to recover private ground water discharged into Dry Hollow, tributary of the Concho River, Colorado River Basin, for irrigation purposes within two tracts totaling 423.74 acres at a maximum rate of 1.1 cfs (500 gpm), approximately 14 miles southwest of Paint Rock, Concho County, Texas. (JORDAN/wph).

APPROVED, CJ/BJW

Item 27. APPLICATION NO. 18-1947A BY THE GUADALUPE VALLEY ESTATES LOT OWNERS' ASSOCIATION TO AMEND CERT. OF ADJ. 18-1947. FOR COMMISSION ACTION. Applicant seeks to amend Cert. No. 18-1947 by converting 3 acre-feet of water per annum currently authorized for irrigation to municipal use, leaving 6 acre-feet of water per annum for irrigation use. (JORDAN/jme)

APPROVED, CJ/BJW

Item 28. APPLICATION NO. CA-74C BY HUBBARD CREEK IRRIGATION ASSOCIATION TO AMEND CONTRACTUAL PERMIT NO. CP-74, AS AMENDED. FOR COMMISSION ACTION. Applicant seeks to amend the certificate by extending the term included in the certificate from December 31, 1990 to December 31, 1995. (JORDAN/jme)

APPROVED, CJ/BJW

Item 29. APPLICATION NO. 23-854B BY OLMITO WATER SUPPLY CORPORATION TO COMBINE WATER RIGHTS AND TO AMEND CERTIFICATE NO. 23-854. For Commission Action. Applicant seeks to combine water rights owned under other certificates with water rights owned under Certificate No. 23-854 and to amend Cert. No. 23-854 to restate applicant's total authorizations thereunder, viz., the diversion and use of 380.71 acre-feet of water per annum from the Rio Grande, Rio Grande Basin, for municipal purposes within its service area in Cameron County, Texas. (JORDAN/wph).

APPROVED, CJ/BJW

Item 30. APPLICATION NO. 12-4213B BY WEST CENTRAL TEXAS MUNICIPAL WATER DISTRICT TO AMEND CERT. OF ADJ. NO. 12-4213. FOR COMMISSION ACTION. Applicant seeks to amend the certificate extending the authorization to use the 2000 acre-feet of water per annum for irrigation purposes and the 2000 acre-feet of water per annum for domestic and livestock purposes to December 31, 2000, respectively. Applicant also seeks to delete Special Condition 5.B. of the certificate and to specify the maximum diversion rate for all authorized uses as 195.56 cfs (88,000 gpm). (JORDAN/jme)

APPROVED, CJ/BJW

Item 31. APPLICATION NO. 23-803D BY ZAPATA COUNTY WCID HWY 16E TO AMEND CERT. NO. 23-803, AS AMENDED. For Commission Action. Applicant seeks to amend Certificate No. 23-803, as amended, to change the purpose of use of 150 acre-feet of Class "A" irrigation water rights to 75 acre-feet of water for municipal purposes, to change the place of use to the district's service area in Zapata County and to change the diversion point to the

diversion facilities of Zapata County Waterworks for the 75 acre-feet of municipal water diverted from the Rio Grande, Rio Grande Basin, Zapata County, Texas. (JORDAN/wph).

APPROVED, CJ/BJW

UNCONTESTED OLD BUSINESS

Wednesday, February 13, 1990

TEXAS WATER COMMISSION

3:00 p.m.
Room 118

Item carried forward from Agenda of December 12, 1990.

- Item 1. APPLICATION BY LAKE CONROE HILLS MUNICIPAL UTILITY DISTRICT OF MONTGOMERY COUNTY; For Commission consideration and action. Applicant seeks approval for the levy of an annual standby fee against undeveloped single family lots and commercial acreage in the District in the amount of \$120/lot for residential development and \$480/acre of commercial reserves to supplement the operating account.

REMAND TO OFFICE HEARINGS EXAMINER, CJ/BJW

Item carried forward from Agenda of January 30, 1991.

- Item 2. CONSIDERATION OF AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO A CONTRACT FOR CONSTRUCTION SERVICES WITH ARENS CORPORATION FOR THE PESSES SUPERFUND SITE.

APPROVED, CJ/BJW

Item carried forward from Agenda of January 23, and January 30, 1991.

- Item 3. APPLICATION BY SOUTHERN CLAY PRODUCTS, INC. for an amendment to Permit No. 02973 which currently authorizes a discharge of mine groundwater and stormwater at a volume not to exceed 115,000 gallons during any 24-hour period. The plant site is approximately 1 mile southwest of the intersection of FM Road 856 and FM Road 13 and 1.8 miles north-northwest of the Town of Concord, Cherokee County, Texas.

APPROVED, CJ/BJW